IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT APPEAL NO : 1365 OF 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/7/2004 in W.P.NO:11652 of 2004.)

Between:

Sri T.Satyanarayana, s/o Sri Janardhan, aged about 52 years, working as Telephone Supervisor, P.A. (Planning) O/o GMTD., Nizamabad.

**..... APPELLANT**

AND

1. The Divisional Engineer (Admn), BSNL, O/o the GMTD, Nizamabad.
2. The Deputy General Manager (A&P), O/o the General Manager, Telecom Department, Nizamabad.

**.....RESPONDENTS**

**Counsel for the Appellant: MR.Ch.RAVINDARS.SATYAMREDDY**

**Counsel for the Respondent No.:MR.B.NARASIMHA SARMA**

The Court made the following :

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ORDER: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P.No:11652 of 2004, under which the learned single Judge dismissed the said writ petition

W.P.No:11652 of 2004 of 2004 has been filed by the writ petitioner-appellant herein seeking for a direction in the nature of writ of mandamus to declare the charge sheet vide proceedings No:GMTD-NZD/Disc/TS/2000-2001/26, dated 5.12.2001 issued by the 1st respondent on behalf of the 2nd respondent as illegal and to quash the same. The learned single Judge having observed that it is for the disciplinary authority to pass appropriate orders in the disciplinary proceedings and the writ petition cannot be maintainable, dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel on either side.

We have perused the order impugned.

Relying on a judgment of the Apex Court reported in TRANSPORT COMMISSIONER V. A.RADHAKRISHNA MOORTHY (), it is contended by the learned counsel for the writ petitioner-appellant that since the memorandum of charges, has not been signed by the competent authority, the same is not valid and therefore, it is liable to be quashed.

In the above decision, it is held by the Apex Court that when the charge sheet is vague regarding the allegations made against the delinquent, the charge memo is liable to be quashed.

In the instant case, as rightly observed by the learned single Judge, it is not the case of the appellant that the charges are vague and the appellant is at liberty to agitate this aspect along with all other aspects before the disciplinary authority.

Therefore, We have no hesitation to hold that the findings of the learned single Judge, do not warrant any interference by this Court and as such, this writ appeal is liable to be dismissed.

Accordingly, this writ appeal is dismissed. No costs.

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Justice T.Meenakumari

14th December, 2004

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justice S.Ananda Reddy

Gurc.

Copies to

1.T.Satyanarayana, s/o Sri Janardhan, aged about 52 years, working as Telephone Supervisor, P.A. (Planning) O/o GMTD., Nizamabad.

2.The Divisional Engineer (Admn), BSNL, O/o the GMTD, Nizamabad.

3.The Deputy General Manager (A&P), O/o the General Manager, Telecom Department, Nizamabad.

5.Two C.Ds.

**HONOURABLE SMT. JUSTICE T.MEENAKUMARI**

**&**

**HONOURABLE SRI JUSTICE S.ANANDA REDDY**

**W.A.No:1365 of 2004**

**(order pronounced by Smt.Justice T.Meenakumari)**

**14th December, 2004**